

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MDL No. 1917

This Order Relates To:

ORDER DENYING MOTION TO  
DISMISS FOR LACK OF  
PERSONAL JURISDICTION AND  
GRANTING MOTION FOR  
JURISDICTIONAL DISCOVERY

1 1835 ("Opp'n") (filed under seal), 1875 ("Reply").<sup>1</sup> Finding this  
 2 matter suitable for disposition without oral argument, Civ. L.R. 7-  
 3 1(b), the Court DENIES WITHOUT PREJUDICE Defendant's motion to  
 4 dismiss Plaintiffs' complaint and GRANTS Plaintiffs' motion for  
 5 jurisdictional discovery for the reasons explained below.

## 6 7 **II. BACKGROUND**

8 Defendant is a French holding company with its principal place  
 9 of business is in Issy-les-Moulineaux, France. Compl. ¶ 72.  
 10 Thomson Consumer Electronics Corporation ("Thomson Consumer")<sup>2</sup> is a  
 11 wholly owned subsidiary of Defendant, through which Plaintiffs  
 12 allege Defendant manufactured cathode ray tubes ("CRTs"), the goods  
 13 at issue in this antitrust MDL. Id. Plaintiffs contend that  
 14 "[Defendant] dominated and/or controlled the finances, policies,  
 15 and/or affairs of [Thomson Consumer] relating to the antitrust  
 16 violations alleged in [Plaintiffs' Complaint]." Id. ¶ 73. Thomson  
 17 Consumer is based in Indiana, but its United States CRT plants  
 18 closed in 2004. Id.

19 According to Plaintiffs, Defendant "sold its CRTs internally  
 20 to its television-manufacturing division, which had plants in the  
 21 \_\_\_\_\_

22 <sup>1</sup> In its reply brief, Defendant provides two new declarations, to  
 23 which Plaintiffs object on the grounds that Defendant cannot  
 24 present new evidence on reply, per Civil Local Rule 7-3(d)(1). ECF  
 25 No. 1890. The Court SUSTAINS Plaintiffs' objections. Defendant  
 26 knew that its reply evidence was pertinent to this dispute and  
 27 should have presented it earlier, providing Plaintiffs with an  
 28 opportunity to respond. In any event, the Court does not find the  
 declarations at issue dispositive of the parties' dispute.

<sup>2</sup> Plaintiffs' Complaint refers to Defendant and Thomson Consumer  
 collectively as "Thomson," but since resolution of this motion  
 requires the Court to evaluate the two entities' relationships and  
 connections to this jurisdiction, the Court refers to them  
 separately.

1 United States and Mexico, and to other television manufacturers in  
2 the United States and elsewhere." Id. ¶ 72. Defendant sold its  
3 CRT business in 2005, but Plaintiffs allege that between March 1,  
4 1995, and December 2007, Defendant "manufactured, marketed, sold  
5 and/or distributed [products containing CRTs ("CRT Products")]  
6 either directly or through its subsidiaries or affiliates  
7 throughout the United States." Id.

8 Plaintiffs sued Defendant under federal and state antitrust  
9 laws. Defendant now moves to dismiss for lack of personal  
10 jurisdiction. Defendant filed a declaration from its current  
11 General Secretary with its motion. ECF No. 1765-1 ("Cadieux  
12 Decl."). That declaration states (among other things) that  
13 Defendant is purely a holding company, with no operations, offices,  
14 employees, property, books, records, bank accounts, agents,  
15 registrations, or business activities in the United States. Id. at  
16 2-3. It also asserts that Defendant has never manufactured CRTs or  
17 CRT Products in the United States or elsewhere, and that Defendant  
18 and Thomson Consumer maintain separate corporate structures,  
19 offices, finances, and business activities. Id. According to the  
20 declaration, Thomson Consumer -- over which the Court undisputedly  
21 has jurisdiction -- was solely responsible for CRT sales,  
22 marketing, and pricing in the United States. Id. at 3.

### 23 24 **III. LEGAL STANDARD**

25 Under Rule 12(b)(2) of the Federal Rules of Civil Procedure,  
26 defendants may move to dismiss for lack of personal jurisdiction.  
27 The Court may consider evidence presented in affidavits and  
28 declarations determining personal jurisdiction. Doe v. Unocal

Corp., 248 F.3d 915, 922 (9th Cir. 2001). Plaintiff bears the burden of showing that the Court has personal jurisdiction over Defendants. See Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1154 (9th Cir. 2006). "[T]his demonstration requires that the plaintiff make only a prima facie showing of jurisdictional facts to withstand the motion to dismiss." Id. (quotations omitted). "[T]he court resolves all disputed facts in favor of the plaintiff . . . ." Id. (quotations omitted). "The plaintiff cannot simply rest on the bare allegations of its complaint, but uncontroverted allegations in the complaint must be taken as true." Mavrix Photo, Inc. v. Brand Techs., Inc., 647 F.3d 1218, 1223 (9th Cir. 2011) (quotations and citations omitted). The Court may not assume the truth of allegations that are contradicted by affidavit. Data Disc, Inc. v. Sys. Tech. Assocs., Inc., 557 F.2d 1280, 1284 (9th Cir. 1977).

Courts may exercise personal jurisdiction over a defendant only if (1) a statute confers jurisdiction and (2) exercising jurisdiction would comport with constitutional due process. See Action Embroidery Corp. v. Atlantic Embroidery, Inc., 368 F.3d 1174, 1177 (9th Cir. 2004). Since the federal Clayton Act, 15 U.S.C. § 22,<sup>3</sup> fulfills the statutory requirement for jurisdiction

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<sup>3</sup> The statute reads in relevant part: "Any suit, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found." Under the Clayton Act, the basis for minimum contacts inquiry is the United States -- not an individual state -- because that statute provides for nationwide service of process. The Court finds on this point that exercise of pendent jurisdiction over Plaintiffs' state law claims is appropriate. See Action Embroidery, 368 F.3d at 1180-81; see also Oetiker v. Jurid Werke, G.m.b.H., 556 F.2d 1, 4-5 (D.C.

in this case, the question on this motion is whether exercising jurisdiction would comport with due process. For a court to exercise personal jurisdiction over a non-resident defendant consistent with due process, the defendant must have "certain minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). If a defendant has sufficient minimum contacts, personal jurisdiction may be founded on either general jurisdiction or specific jurisdiction. Panavision Int'l, L.P. v. Toeppen, 141 F.3d 1316, 1320 (9th Cir. 1998).

#### IV. DISCUSSION

##### A. General Jurisdiction

General jurisdiction applies where a defendant's activities in the state are "substantial" or "continuous and systematic," even if the cause of action is unrelated to those activities. Data Disc, 557 F.2d at 1287.

For general jurisdiction to exist over a nonresident defendant . . . , the defendant must engage in "continuous and systematic general business contacts," . . . that "approximate physical presence" in the forum state . . . . This is an exacting standard, as it should be, because a finding of general jurisdiction permits a defendant to be haled into court in the forum state to answer for any of its activities anywhere in the world.

Cir. 1977). Those claims arise out of the same nucleus of operative facts as Plaintiffs' federal claims, see id., and the Court finds that judicial economy, fairness, and convenience counsel in favor of retaining jurisdiction over all claims.

1 Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 801 (9th  
2 Cir. 2004) (citations omitted). This is a high standard. The  
3 Ninth Circuit has regularly declined to find general jurisdiction  
4 even where the contacts were quite extensive. See, e.g., Amoco  
5 Egypt Oil Co. v. Leonis Navigation Co., 1 F.3d 848, 851 n.3 (9th  
6 Cir. 1993) (citing cases). "Factors to be taken into consideration  
7 are whether the defendant makes sales, solicits or engages in  
8 business in the state, serves the state's markets, designates an  
9 agent for service of process, holds a license, or is incorporated  
10 there." Bancroft & Masters, Inc. v. Augusta Nat'l, Inc., 223 F.3d  
11 1082, 1086 (9th Cir. 2000).

12 Generally, the existence of a parent-subsidary relationship  
13 "is not sufficient to establish personal jurisdiction over the  
14 parent on the basis of the subsidiaries' minimum contacts with the  
15 forum." Unocal, 248 F.3d at 925. However, "if the parent and  
16 subsidiary are not really separate entities [i.e., alter egos], or  
17 one acts as an agent of the other, the local subsidiary's contacts  
18 with the forum may be imputed to the foreign parent corporation."  
19 Id. at 926 (quotations omitted).

20 Plaintiffs argue that the Court should exercise general  
21 jurisdiction over Defendant because Thomson Consumer is Defendant's  
22 agent, and Thomson Consumer is within the Court's general  
23 jurisdiction. See Opp'n at 12-18. Plaintiffs do not argue that  
24 Defendant is subject to general jurisdiction in its own right,  
25 though they reserve the right to make that argument pending  
26 jurisdictional discovery. Id. at 18 n.17.

27 In support of their agency argument, Plaintiffs contend that  
28 Defendant is not a mere holding company, since Defendant's

1 executive officers during the conspiracy period had titles  
2 reflecting operational responsibilities, and several of Defendant's  
3 executives served on Thomson Consumer's board, suggesting that  
4 Defendant performed direct operational and oversight functions for  
5 Thomson Consumer. Id. at 14-15. Plaintiffs also claim that  
6 Defendant had control over Thomson Consumer because Plaintiffs  
7 alleged that Defendant "dominated or controlled Thomson Consumer's  
8 finances, policies, and/or affairs." Compl. ¶ 73. Here,  
9 Plaintiffs cite facts from their exhibits, stating that there was  
10 overlap between Defendant and Thomson Consumer's executive officers  
11 and board; that the United States CRT market was so important to  
12 Defendant that it would have been directly involved in it if not  
13 for Thomson Consumer; and that some of Defendant's executive  
14 officers worked from Thomson Consumer's United States office. Id.  
15 at 15-16.

16 Defendant argues that the declaration of its General Secretary  
17 controverts all of Plaintiffs' allegations. Specifically,  
18 Defendant claims that it is located in France and has no  
19 operations, employees, bank accounts, registered agents for  
20 process, or offices in the United States. MTD at 5-6 (citing  
21 Cadieux Decl. ¶¶ 4, 6-7, 8, 10-11, 13). Defendant also points to a  
22 declaration and SEC filing -- filed as exhibits to Plaintiff's  
23 opposition -- stating that Defendant is and has always been a mere  
24 holding company, with its principal assets being "the stock of its  
25 subsidiaries," and that the holding company's principal function  
26 was to perform corporate activities and secure financing for its  
27 subsidiaries. Reply at 2 (citing Opp'n Exs. T ¶ 4, HH at 152).  
28 Defendant concludes that Thomson Consumer was merely an investment,

1 and that in any event, Defendant lacked control over Thomson  
2 Consumer.

3 Much of Defendant's argument concerns the import of two Ninth  
4 Circuit cases concerning foreign defendants' agents and general  
5 jurisdiction. In Doe v. Unocal Corp., the Ninth Circuit held, "The  
6 existence of a relationship between a parent and its subsidiaries  
7 is not sufficient to establish personal jurisdiction over the  
8 parent on the basis of the subsidiaries' minimum contacts with the  
9 forum." 248 F.3d at 925. Relying on the fundamental principle of  
10 corporate separateness, by which corporations are distinct entities  
11 from their shareholders over which jurisdiction must be established  
12 individually, the Unocal Court found a distinction between active  
13 parent corporations, involved directly in decision-making about  
14 their subsidiaries' holdings, and "super-corporations," which exert  
15 so much control over their subsidiaries that the subsidiaries'  
16 presence substitutes for the parent's. Id. at 928-30.

17 The Unocal Court relied on a body of Ninth Circuit law holding  
18 that a subsidiary functions as a parent corporation's  
19 representative if it performs services that are "sufficiently  
20 important to the foreign corporation that if it did not have a  
21 representative to perform them, the corporation's own officials  
22 would undertake to perform substantially similar services." See  
23 id. at 929-30 (citing Chan v. Society Expeditions, Inc., 39 F.3d  
24 1398, 1405 (9th Cir. 1994)); see also Wells Fargo & Co. v. Wells  
25 Fargo Exp. Co., 556 F.2d 406, 423 (9th Cir. 1977). The Ninth  
26 Circuit did not find that the plaintiffs in its case had alleged  
27 that the defendant would have conducted and controlled operations  
28 in America absent a subsidiary. Id. The court found insufficient



1 the plaintiff's allegations that the defendant held stock, directly  
2 or indirectly, in an American subsidiary, and that the defendant  
3 stated in an annual report that its "US unit" would expand the  
4 defendant's marketing network and produce more valuable products in  
5 the United States.

6 In a more recent case, Bauman v. DaimlerChrysler Corp., 644  
7 F.3d 909, 914-15 (9th Cir. 2011), cert granted, 133 S. Ct. 1995  
8 (Apr. 22, 2013), the Ninth Circuit found general jurisdiction  
9 because the foreign defendant had a complex "General Distributor  
10 Agreement" with its American subsidiary. That Agreement gave the  
11 defendant almost complete control over its subsidiary's activities.  
12 Id. at 914-15, 920-21. The Bauman Court also found that since the  
13 United States market was 19 percent of defendant's worldwide sales,  
14 the defendant "could not afford to be without a U.S. distribution  
15 system," the activities of its United States subsidiary were so  
16 important that the defendant would have found a way to have those  
17 activities performed if its subsidiary did not exist. Id. at 922.  
18 Under those circumstances, any United States affiliate of the  
19 defendant -- whether it was a subsidiary or a non-subsidiary --  
20 would have been a representative of the defendant for purposes of  
21 the agency test. Id.

22 Defendant accordingly argues that Plaintiffs' allegations are  
23 directly controverted by the Cadieux Declaration, and that  
24 Plaintiffs' pleadings are too vague and general to establish a  
25 prima facie case that Thomson Consumer was Defendant's agent.  
26 Reply at 9-10. Defendant then argues that Plaintiffs are wrong  
27 that Thomson Consumer was so important to Defendant that Defendant  
28 would have undertaken CRT sales and marketing in the United States

absent its relationship with Thomson Consumer. Id. at 10. According to Defendant, its status as a holding company -- as opposed to a manufacturer, like the defendant in Bauman -- means that it could simply hold a different type of company as an investment, contradicting any argument that Thomson Consumer was so important to Defendant that Defendant would have done Thomson Consumer's work itself if Thomson Consumer were not Defendant's subsidiary. Reply at 10 (citing Unocal, 248 F.3d at 929 (suggesting that imputing a subsidiary's jurisdictional conducts to the parent would be improper where a holding company could simply hold another type of subsidiary)). Finally, Defendant claims that Thomson Consumer's CRT manufacturing business was not sufficiently important to Defendant since Thomson Consumer sold its United States-based CRT plants and its CRT business in 2005. Id. (citing Compl. ¶ 73).

Plaintiffs' facts and allegations about Defendant's relationship with Thomson Consumer are inconclusive under both Unocal and Bauman.

First, the Court finds that the fact that some of Defendant's executives served on Thomson Consumer's board or even shared office space with Thomson Consumer, without more, does not establish enough involvement in Thomson Consumer to treat that entity as Defendant's agent. The Ninth Circuit has found that the latter activities do not necessarily lead to a finding of agency, and Plaintiffs' facts do not push Defendant's relationship with Thomson Consumer over the line into an agency relationship. See Unocal, 248 F.3d at 926-27.

Further, the Court does not find Plaintiffs' allegations

1 regarding job titles to be sufficient in this case. Even resolving  
2 this factual dispute in Plaintiffs' favor, the Court finds that the  
3 job titles given -- e.g., "Senior Executive Vice President[s] of  
4 Operations Coordination" -- do not, without more, suggest actual  
5 involvement in Thomson Consumer's activities. They are too vague.

6 Finally, the Court finds that the remaining facts Plaintiffs  
7 cite in support of their contention that Defendant is not only a  
8 holding company and that Thomson Consumer is Defendant's agent do  
9 not support the conclusion that Plaintiffs have made a prima facie  
10 case for general jurisdiction. The facts Plaintiffs cite are  
11 mostly references to Defendant's work either in general or with  
12 other parties. In any event, they do not directly controvert  
13 Defendant's declaration that -- at least as to Thomson Consumer --  
14 Defendant was merely a majority shareholder, not a controlling  
15 corporation. Even if the Court considers the significance of the  
16 United States CRT market to Defendant, the Court cannot find from  
17 the facts on record that Thomson Consumer is Defendant's agent, or  
18 that they have the kind of synergistic relationship that would  
19 warrant linking the two companies for jurisdictional purposes. See  
20 Chan, 39 F.3d at 1406. The fact that some of Defendant's executive  
21 officers appear to have worked in Thomson Consumer's office during  
22 the relevant period cuts closer, but on balance and resolving  
23 disputes in Plaintiffs' favor, the Court does not find that these  
24 connections are close enough to warrant finding that Thomson  
25 Consumer is Defendant's agent.

26 The Court therefore finds that Plaintiffs have failed to meet  
27 their burden of showing that general jurisdiction is appropriate.  
28 However, as explained below, the Court finds that jurisdictional

1 discovery is appropriate on this issue and the matter of specific  
2 jurisdiction.

3 **B. Specific Jurisdiction**

4 If a finding of general jurisdiction is inappropriate, a court  
5 may still exercise specific personal jurisdiction depending on "the  
6 nature and quality of the defendant's contacts in relation to the  
7 cause of action." Data Disc, 557 F.2d at 1287. The Ninth Circuit  
8 applies a three-prong test when analyzing a claim of specific  
9 jurisdiction:

10 (1) The non-resident defendant must purposefully  
11 direct his activities or consummate some transaction  
12 with the forum or resident thereof; or perform some  
13 act by which he purposefully avails himself of the  
14 privilege of conducting activities in the forum,  
thereby invoking the benefits and protections of its  
laws;

15 (2) the claim must be one which arises out of or  
16 relates to the defendant's forum-related activities;  
and

17 (3) the exercise of jurisdiction must comport with  
18 fair play and substantial justice, i.e. it must be  
reasonable.

19 Schwarzenegger, 374 F.3d at 802. The plaintiff bears the burden of  
20 satisfying the first two prongs, and if he or she fails to satisfy  
21 either, specific jurisdiction is not established. Sher v. Johnson,  
22 911 F.2d 1357, 1361 (9th Cir. 1990). If the plaintiff satisfies  
23 these prongs, the burden shifts to the defendant "to present a  
24 compelling case" that the exercise of jurisdiction would not be  
25 reasonable. Burger King Corp. v. Rudzewicz, 471 U.S. 462, 477  
26 (1985).

27 Plaintiffs argue that the Court has specific jurisdiction over  
28 Defendant because (1) Defendant purposefully directed its CRT

1 conspiracy activity at the United States and (2) Plaintiffs' claims  
2 arise out of Defendant's conspiracy activity in the United States.  
3 Plaintiffs also contend that exercising personal jurisdiction over  
4 Defendant would be reasonable. Defendant opposes all of these  
5 points.

6 The Ninth Circuit applies a three-part test for purposeful  
7 direction: "the defendant allegedly must have (1) committed an  
8 intentional act, (2) expressly aimed at the forum state, (3)  
9 causing harm that the defendant knows is likely to be suffered in  
10 the forum state." Id.

11 When considering the first prong, "something more than mere  
12 foreseeability" of an effect in the forum state is necessary.  
13 Schwarzenegger, 374 F.3d at 805 (internal citation and quotation  
14 omitted). And as the Ninth Circuit has warned, "the foreign-acts-  
15 with-forum-effects jurisdictional principle must be applied with  
16 caution, particularly in an international context." Kramer Motors,  
17 Inc. v. British Leyland, Ltd., 628 F.2d 1175, 1178 (9th Cir. 1980)  
18 (internal quotations and citations omitted).

19 Defendant argues that Plaintiffs' complaint is too vague to  
20 allege specific conduct on Defendant's part. See Reply at 11-12.  
21 Defendant contends that Plaintiffs' references to "defendants" or a  
22 combined "Thomson" entity are insufficiently vague, and that the  
23 exhibits Plaintiffs attached to its opposition brief are similarly  
24 inconclusive as to which entity is at issue when, for example,  
25 other defendants refer to allegedly conspiratorial meetings  
26 involving "Thomson" generally. See id. at 12 (citing Opp'n Exs. C-  
27 I). Further, Defendant claims that Plaintiffs' allegations and  
28 evidence do not demonstrate that Defendant aimed any act at the

1 United States, since Defendant has never manufactured or sold CRTs,  
2 or conducted any CRT business at all, in the United States.  
3 However, Plaintiffs maintain that Defendant participated in  
4 meetings concerning pricing and production information related to  
5 CRTs and CRT Products' market in the United States, and that  
6 Defendant's actions had a "direct, substantial, and reasonably  
7 foreseeable effect on U.S. Commerce." See Opp'n at 18-19 (citing  
8 Compl. ¶¶ 14-15, 136, 169, 199); see also Opp'n at 3-4 nn. 2-4  
9 (citing exhibits concerning other defendants' discovery materials  
10 that reference "Thomson").

11 Failure to satisfy this first prong would be enough to show  
12 that Plaintiffs fail to meet the Ninth Circuit's standard for  
13 specific jurisdiction. However, Defendant also argues that  
14 Plaintiffs fail to allege facts or submit evidence establishing  
15 that any of Defendant's acts were a but-for cause of Plaintiffs'  
16 antitrust claims. See Reply at 13-14. Defendant contends that  
17 Plaintiffs' argument on this point is attenuated. Plaintiffs  
18 alleged that their claims would not have arisen absent all of the  
19 defendants' global price-fixing conspiracy and that Defendant  
20 participated in the conspiracy, so Defendant's forum-related  
21 activities were necessarily a but-for cause of Plaintiffs'  
22 antitrust injuries. See Opp'n at 20 (citing Compl. ¶¶ 11, 27-29,  
23 72-73, 169, 287).

24 An antitrust defendant "expressly aims" an intentional act at  
25 a forum state when its allegedly anticompetitive behavior is  
26 targeted at a resident of the forum, or at the forum itself. See  
27 In re W. States Wholesale Natural Gas Antitrust Litig., 715 F.3d  
28 716, 743 (9th Cir. 2013). On Plaintiffs' allegations and evidence,

1 the Court cannot find that Defendant engaged in any intentional  
2 acts directed at the United States. The Court finds Plaintiffs'  
3 allegations as to Defendant in particular are unacceptably bare and  
4 conclusory, and Plaintiffs' evidence, which often references  
5 "Thomson" generally, is similarly inconclusive. Under these  
6 circumstances, the Court cannot find that Defendant intentionally  
7 aimed any action toward the United States, that Defendant's actions  
8 were the but-for cause of Plaintiffs' claims, and especially that  
9 exercising jurisdiction would be reasonable.

10 Accordingly, the Court declines to exercise specific  
11 jurisdiction over Defendant. However, the Court finds  
12 jurisdictional discovery appropriate.

13 **C. Jurisdictional Discovery**

14 The district court has discretion to allow a plaintiff to  
15 conduct jurisdictional discovery. Wells Fargo & Co. v. Wells Fargo  
16 Exp. Co., 556 F.2d 406, 430 n.24 (9th Cir. 1977). Requests for  
17 such discovery should ordinarily be granted "where pertinent facts  
18 bearing on the question of jurisdiction are controverted . . . or  
19 where a more satisfactory showing of the facts is necessary." Id.  
20 (quotations omitted). However, a district court need not permit  
21 discovery "[w]here a plaintiff's claim of personal jurisdiction  
22 appears to be both attenuated and based on bare allegations in the  
23 face of specific denials made by the defendants . . . ." Pebble  
24 Beach, 453 F.3d at 1160 (quotations omitted). Plaintiffs argue  
25 that since the record is not fully developed on this issue, and  
26 central facts are contested, jurisdictional discovery is warranted.  
27 See Opp'n at 23-24. They also argue that they have shown "some  
28 evidence" of jurisdiction, and that their allegations are not so

1 bare as to warrant denying limited jurisdictional discovery.  
2 Defendant argues otherwise.

3 The Court finds that jurisdictional discovery is appropriate  
4 here. Defendant argues that Thomson Consumer is not its agent, but  
5 jurisdictional discovery could discover the truth of that matter.  
6 Jurisdictional discovery could also reveal whether the "Thomson" of  
7 Plaintiffs' vague allegations and evidence is Defendant or Thomson  
8 Consumer. Even though Plaintiffs have not made a prima facie  
9 showing of jurisdiction, their allegations and evidence are not  
10 entirely bare, and they have made a sufficient case for conducting  
11 limited jurisdictional discovery to collect evidence related to  
12 their agency argument and Defendant's intentional conduct toward  
13 the United States. After discovery has been completed, Defendant  
14 may again move to dismiss for lack of personal jurisdiction.

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1 **V. CONCLUSION**

2 As explained above, the Court DENIES Defendant's motion to  
3 dismiss for lack of personal jurisdiction WITHOUT PREJUDICE and  
4 GRANTS Plaintiffs leave to conduct jurisdictional discovery to  
5 collect evidence related to their agency argument and Defendant's  
6 intentional conduct toward the United States. Plaintiffs are to  
7 complete discovery within sixty (60) days of this Order's signature  
8 date.

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11 IT IS SO ORDERED.

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13 Dated: December 11, 2013



14 UNITED STATES DISTRICT JUDGE  
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